

Application Number 10/602,384
Response to Office Action mailed November 15, 2007

REMARKS

This amendment is responsive to the Final Office Action dated November 15, 2007. Applicant has amended claim 1. By this amendment, claims 23 and 25 have been canceled. Claims 8-13 were previously canceled. Claims 14-17 are withdrawn. Claims 1-7, 18-22 and 24 are pending. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 1-7 and 18-25 under 35 U.S.C. §103(a) as being unpatentable over Nomura et al. (US 6,706,533) ("Nomura"). Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the claims as amended. The applied reference fails to disclose or suggest the inventions defined by Applicants' claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

To establish a prima facie case of obvious, the prior art reference (or references when combined) must teach or suggest all the claim limitations (See MPEP 706.02(j)). Applicants respectfully submit that the Office Action has failed to meet at least this basic criteria, and that Nomura does not teach or suggest all of the limitations recited in Applicants' claims as required to establish a prima facie case of obviousness under 35 U.S.C. §103.

Claim 1 has been amended to include the limitations of dependent claims 23 and 25. Namely, claim 1 has been amended to recite a memory that stores a plurality of predetermined algorithms, each associated with a different one of a plurality of product classifications, and a controller that calculates a concentration of a product in the selected use solution based on the resistivity, the temperature and a predetermined algorithm associated with a product classification of the product in the selected use solution.

Applicant notes that the Office Action did not specifically set forth any basis for finding dependent claims 23 and 25 obvious in light of Nomura. However, Applicant will nonetheless attempt to address the rejection to the extent possible in view of the lack of specific findings with respect to claims 23 and 25 in the Office Action.

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Nomura concerns the estimation of the concentration of an agent in a solution through use of an equation. The equation includes constants which are obtained by measuring the electrical conductivity of solutions having known concentrations of the desired agent at a plurality of temperatures and applying the least squares method to the result (see, e.g., Nomura at col. 4, lines 11-18; col. 9 line 65 to col. 11, line 30). Importantly, each agent has its own associated set of constants (see, e.g., Nomura at col. 8, lines 65-67). In other words, Nomura merely describes determining a set of constants for each agent to be measured. The agents are not grouped into product classifications, nor are each of a plurality of predetermined algorithms associated with a different one of a plurality of product classifications.

As a result, Nomura does not teach or suggest either a memory that stores a plurality of predetermined algorithms, each associated with a different one of a plurality of product classifications or a controller that calculates a concentration of a product based on a predetermined algorithm associated with a product classification of the product in the selected use solution as recited in Applicant's claim 1.

Claims 2-7, 18-22 and 24 are dependent upon claim 1 and include all of the limitations thereof. Claims 2-7, 18-22 and 24 are therefore patentable for at least the same reasons discussed above with respect to independent claim 1.

For at least these reasons, the Examiner has failed to establish a prima facie case of non-patentability of Applicant's claims 1-7, 18-22, 24 and 25 under 35 U.S.C. §103(a). Withdrawal of this rejection is therefore respectfully requested.

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CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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January 14, 2008
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